clerks@guamlegislature.org

From: Speaker's Office <speaker@guamlegislature.org>
Sent: Monday, January 4, 2021 8:40 AM
To: Clerks Office
Cc: Rennae Meno
Subject: M&C Fwd: Guam Trademark Commission Close Out Letter
Attachments: Guam Trademark Commission Close Out Letter_210103.pdf; Guam Trademark Commission Meeting_Minutes_201228.pdf

01/03/21	1:30 PM	01/03/21	Guam Trademark Commission Close Out Letter.*	Office of Senator Kelly Marsh (Taitano), PhD.	35GL-20-2581

Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesiåtmente para hågu ma entensioña pat ma aturisa para unrisibi. Sen prubidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu nu este na mensåhi , put fabot ago' guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Office of Senator Kelly Marsh (Taitano), PhD.** <office.senatorkelly@guamlegislature.org>
Date: Sun, Jan 3, 2021 at 1:30 PM
Subject: Guam Trademark Commission Close Out Letter
To: Speaker's Office <speaker@guamlegislature.org>
Cc: Louise Muna <senatorlouise@gmail.com>, Dafne M. Shimizu <Dafne.Shimizu@revtax.guam.gov>,, AnnMarie Arceo <annmarie.arceo@dca.guam.gov>,, Melanie Mendiola <mel.mendiola@investguam.com>,, Leevin T. Camacho

<law@guamag.org>,, Christine Lizama <chris.lizama@visitguam.org>,, Francis Guerrero <fguerrero671@aol.com>,, Speaker's Office <speaker@guamlegislature.org>,, Louise Muna <senatorlouise@gmail.com>,, guampedia.rpn@gmail.com,, Laura M.T. Souder <souder@betances.com>, Jillette Leon-Guerrero <jillette@mac.com>, Melanie Mendiola <mel.mendiola@investguam.com>, Matthew Baza <mbaza@investguam.com>, Albert Perez <albert.perez@revtax.guam.gov>, Christine Lizama <chris.lizama@visitguam.org>, Frank Rabon <frankguahan@yahoo.com>, Francis Guerrero <fguerrero671@aol.com>, <kespaldon@oagguam.org>, <guampedia.rpn@gmail.com>, Melvin Won Pat Borja <melvin.borja@guam.gov>, Anna Marie Arceo <sainaguinifi@gmail.com>, AnnMarie Arceo <annmarie.arceo@dca.guam.gov>, Leevin T. Camacho <law@guamag.org>, Jillette Leon Guerrero <jillette.leonguerrero@caha.guam.gov>

Manana si Yu'os Speaker,

Biba Anu Nuebu. Pls see attached file.

si Sinadora Kelly Marsh (Taitano)

Office of Senator Kelly Marsh (Taitano), PhD
Committee on Heritage and the Arts, Parks, Guam Products, Hagåtna Revitalization, Self-Determination, and Regional Affairs
I Mina'trentai Singko na Liheslaturan Guåhan | 35th Guam Legislature
Guam Congress Building, 163 Chalan Santo Papa, Hagåtna, Guam 96910
Telephone: (671) 989-5681/2

Ufisinan i Sinadora Kelly Marsh (Taitano)
I Mina'trentai Singko Na Liheslaturan Guåhan
Gé'helo', Kumitehan Irensia yan i Atte siha, Plasét siha, Fina'tinas Guåhan,
Finamta' Hagåtña, Dinitetminan Maisa, yan Asunton Rihinåt Siha

January 03, 2021

To: Speaker Tina Muña Barnes
163 Chalan Santo Papa Street
Hagåtña, 96910, Guam

Subject: Guam Trademark Commission Close Out Letter

Håfa Adai Speaker Muña Barnes,

Un dångkolo' na si Yu'os ma'åse for your support of the Guam Trademark Commission (the Commission) throughout this 35th Legislative term. It has been my honor to have served as Chair this term. The members of the Commission are each invaluable experts in their fields, contributed greatly, and served the community of Guam commendably. This term has been a productive one for the Commission with many lessons learned, salient research conducted and shared, subcommittees formed with assigned tasks, and productive conversations that have moved the work of the Commission forward. Each of our meetings was conducted in the public hearing room. This meant that the meetings aired on the Legislative Channel so that the community was able to watch and listen in to the meetings and follow the progress of the Commission. The publicly recorded meetings remain as resources on the Guam Legislature Media YouTube channel as well.

On behalf of the Commission, I submit the minutes of our final meeting (see attached). As the Chair of the Commission this term, it is my hope that the work of the Commission will be able to continue to completion next term, in the 36th Legislature, with final recommendations to develop policy that provides the protection that our local entrepreneurs and 'art-trepreneurs' both deserve and need regarding produced work, intellectual property rights, and associated other property.

I formally thank the vision and forethought of former Speaker Judith Won Pat, the author of the legislation that created the Commission. I look forward to the continued good work of the Commission and see its efforts as key in the rebuilding and revisioning of our economy in a Covid-19 and post-Covid-19 world.

Senseramente,

Senator Kelly Marsh (Taitano)
Assistant Majority Leader

cc: Guam Trademark Commission Members

Guam Trademark Commission Meeting
– Minutes –

Present: Senator Kelly Marsh (Tiatano, PhD, Chair
Matthew (Matt) Baza, GEDA Member
Christine (Chris) Lizama, GVB Member

Date: December 28, 2020

Guam Legislature Youtube Channel link: https://www.youtube.com/watch?v=vBZZ8mNGs9U

MEMBER	DISCUSSION
I. New and Old Business	
1. Guam Trademark Subcommittees – Status Updates and Reporting	
a. Tangible and Intangible Cultural Art Forms Subcommittee, 2 GCA §14105(b). Membership: Kumisión I Fino' CHamoru	
Senator Kelly Marsh (Taitano), PhD	• Since the Commission didn't have quorum, the meeting was informational. • This subcommittee might decide how much of their work is going to be framework and how much is going to be details. • It will be a real important contribution regarding defining what intangible and tangible art forms are for the CHamoru culture specifically and in general. • It will be important to recommend a framework so that the details can continue to be updated and looked at rather than set in stone forever.
Matt Baza	• The Government of Guam already has a lot of regulatory system in place that may be suited to some tweaking, modifying, and editing to fulfill the needs of the Trademark program. • The most important thing right now is to define what the government is trying to protect. • This Commission is the government making it a priority that there are certain aspects of CHamoru culture, both tangible and intangible, that we want to protect in some form or fashion. • There will always be limitations to what protection the government can offer but we should work toward providing protection to the greatest extent possible. • Determining what we are protecting will also help the Commission determine in which entity the program should sit within the government to conduct the oversight. Not sure if one of the member entities of the Commission should conduct the oversight or if a new entity should be formed to do so.
Senator Kelly Marsh (Taitano), PhD	• Noted that Matt made excellent points. • The Government of Guam has been in place for quite awhile, there are many laws and regulations that could potentially suit the work of the Commission. Perhaps research can compile all the laws and regulations that are related to the work of the Commission to examine. This has been done for other programs in the form of a chart.

MEMBER	DISCUSSION
Chris Lizama	• The Commission will also have to consider the enforcement aspect. How is it going to be enforced? • One of the members of the Commission handled enforcement for many years and recently retired. He has a wealth of information and we need to figure out a way to keep him to inform the Commission so that we can use that information.
Senator Kelly Marsh (Taitano), Phd	• Agreed with Chris that her observation is true. So much of governmental information is institutional knowledge. • The Commission may need to continue to look at membership to guarantee that type of information is provided. • It might be done at the subcommittee level.
b. Aspects of Culture Subcommittee, §14105(b) (1thru5), Title 2 GCA. Membership: Commissioners representing the Department of CHamoru Affairs, Guam Council on the Arts and Humanities Agency, and Guampedia	
Senator Kelly Marsh (Taitano), PhD	• An example of work already in place that informs this Commission is the listing of cultural masters maintained by CAHA. • The list of masters is comprised of a wide range of recognition. Understanding the masters is good. At the same time, it may be more useful, regarding the work of this Commission to compile categories to understand the landscape.
Matt Baza	• It would be helpful to understand the different categories meant to be protected by this program as the categories may have different requirements in regards to the program, or might need a different body to look at them. • The categories would provide general information and within them, would be specific information. • The development of categories might be more attainable [vs. comprehensive listings of all art forms] and then they would be able to guide the development of the regulatory and other aspects. Agrees that it is a good idea.
Senator Kelly Marsh (Taitano), PhD	• It perhaps allows for the art forms to continue to be evolve in recognition as well.
Chris Lizama	• Deferred to the experts and agrees with developing categories. • Development of the categories will help move their subcommittee move forward in their work.
c. Trademark Image Branding, Advertisement, Marketing and Sales, Including the Socio-Economic Aspects of Trademark Policy and Enforcement Subcommittee, §14105(b) (6 thru 10), Title 2 GCA. Membership: Commissioners Representing the Guam Visitors Bureau, Department of Revenue and Taxation, Guam Economic Development Agency, Office of the Attorney General	
Matt Baza	• Noted that their subcommittee had a very productive subcommittee meeting. • They determined that they want the program to be as comprehensive as possible. • Also want the program to be easy for the artist or company or business to get whatever they need accomplished to get the trademark comply with the

MEMBER	DISCUSSION
	law and to work within the program. If this is so, enforcement becomes easier. • If the program is too cumbersome or confusing, this will mean that more enforcement is needed because people are unable to comply with the program. • Want to create forms of incentive for people so that they will want to go through the program. • An item (like a talaya produced by a talayeru) in the program might cost more so figuring how to incentivize people to buy it as a customer and to get businesses to use the products and services. • That is how the program will grow. • At that point, the more members you have, the more one needs increased program oversight, and thus financial resources.
Chris Lizama	• Need to create a definition of what made in Guam is. A lot of products say made in Guam but are really made elsewhere. • Need to figure out how an artist on Guam can compete with mass produced items made elsewhere. • Tourists look for made in Guam products. Observed that many tourists won't buy products if they see that it wasn't really made in Guam. • There may be some ability to tie into the villages program.
Senator Kelly Marsh (Taitano), PhD	• An app like the GVB shopping app could be something that could help the Trademark program by connecting shoppers to where to purchase the items. • An app could provide a roadmap to visitors and locals as to where to find the artists and authentic items.
Christine Lizama	• The GVB app keeps improving. We should continue that conversation.
Senator Kelly Marsh (Taitano), PhD	• There may also be benefits of tying in cultural experiences with the items. People can then see and value and then be incentivized to purchase something to remember that experience by. • The app could also connect people to experiences like that to incentivize purchasing of items produced by those within the program.
Matt Baza	• The subcommittee's work will continue to get more well defined when given guidance and understanding by the other subcommittees. • The Trademark program could really boost economic diversification. People can be their own boss. They can be self-employed and produce quality products that people and businesses will want to buy. It can be a good step toward developing small business and entrepreneurship. • Excited to see where this program goes.
Senator Kelly Marsh (Taitano), PhD	• There really is a lot of potential within our island and region. These businesses can grow from being single artists or someone who works with them to companies. • We live in a very rich region which has a lot of resources and sustainable businesses that are growing in the area. • As these individuals and companies continue to develop, they will want the protection in place that this Commission is working on.

MEMBER	DISCUSSION
	• Some of what your subcommittee can do is decide whether this program can tie into existing programs (like the GVB logo) or provide the framework and guidance as to all the considerations of brand and other development. • This subcommittee will part of continuing to figure out where this program will sit. • Continued participation in the final program by each of the entities that are part of the Commission can be valuable because each has something to contribute to the running of it.
Chris Lizama	• Regarding the housing of the final program, members from each agency all have understandings and ideas for the program. All the Commission members from different agencies all are wanting to improve on this to get the program to work. • Their subcommittee's work is really step two, they need guidance from step one [the work of the other subcommittees].
Senator Kelly Marsh (Taitano), PhD	• Really see the value of the continued input of each entity. • Our community really needs this program and wants protection of their work. • There are a lot of forces that want to [and do] use locally produced work without getting permission.
2. Guam Trademark Commission Policy Recommendations	
a. Continuation of the work of each Subcommittee **b. Guam Trademark Commission Sine Die Composition**	
Senator Kelly Marsh (Taitano), PhD	• Do you have any recommendations for membership for the Commission?
Matt Baza	• The Commission is a good cross-section of the government. • A business person, agency, or non-profit can be asked to participate. • Don't know that we need to add anyone officially.
Chris Lizama	• Stated agreement. There is open membership within subcommittees and glean the expertise of other factions. Agree that the core membership was very well thought out.
Senator Kelly Marsh (Taitano), PhD	• There is a lot of valuable expertise that sits within our government. • Agreed, we have open membership in subcommittees. • The Commission has been in a public hearing forum so that the public could listen in to the work of the Commission. • This has also meant that the reports are written like for that of a public hearing. I think I would recommend more of a minutes format that is in an action format style to be included along with or instead of a transcript. Minutes will be easier for us to follow the monthly work of the Commission and for us to pick up from at each meeting. • Thinks that continuing to explore more detail about other models would be good. With zoom, it could be possible to have direct communication with people from within those other models. That way you could ask questions. • Although we don't know the final recommendations, I think we've learned that the program will need to have organic components to it to continue to build on types of art covered by the program and more.

MEMBER	DISCUSSION
	• And, as a reminder, restated that NGOs and NPOs can carry out some of this type of work with regional and international programs like those associated with the Secretariat of the Pacific Community and the United Nations heritage work. This involvement can mean that workshops and trainings might be provided, nominations onto UN lists can provide some protection. • The Commission could have potentially met its July deadline for creating policy recommendations if it had not been for COVID and all agencies being stretched even thinner with additional responsibilities making it difficult to meet and carry out this work.
Matt Baza	• Didn't have any additional recommendations. • The next Chair can take the model developed this term and build on the work of the Commission. • We are getting to working with COVID as a normal.
Chris Lizama	• Also recognized the work of the Committee and Commission. • Thinks this report will help the Commission continue work.
Senator Kelly Marsh (Taitano), PhD	• Sine die composition means that there will be certain continuation of members and certain new members will be appointed. • The continuing membership will be valuable because each continuing member will take lessons learned to build on.
III. OPEN DISCUSSION	
Senator Kelly Marsh (Taitano), PhD	• Asked if there was any open discussion?
Matt Baza Chris Lizama	• None.
IV. ADJOURNMENT SINE DIE	
Senator Kelly Marsh (Taitano), PhD	• Concluded meeting and thanked everyone for their commitment to the work of the Commission.